

### **REMARKS**

Favorable reconsideration of the application as currently amended and in view of the following remarks, is respectfully requested.

Claims 1-2, 4, 6, 9-10, and 15-16 are currently pending in the application. Claims 3, 7, 8, 11, 13 and 14 have been canceled by a previous amendment. In the present amendment, independent Claims 1, 9, and 15 are amended without introducing any new matter nor raising any new issues that would require further search and/or consideration, and Claims 5 and 12 are cancelled without prejudice or disclaimer.

In the August 18, 2009 final Office Action, Claims 1, 4, 6, 9, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alfieri (U.S. Patent No. 5,745,778) in view of Strout II, et al. (U.S. Patent No. 5,339,415, hereinafter “Strout”), in further view of Saito et al. (U.S. Patent No. 5,887,143, hereinafter “Saito”). Claims 2, 10, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alfieri in view of Strout and Saito, in further view of Day et al. (U.S. Patent No. 7,418,705, hereinafter “Day”). Claims 5 and 12 were indicated as allowable if rewritten in independent form.

During a telephonic discussion between Examiner Tang, Art Unit 2195, and Applicants’ representative Nikolaus P. Schibli, Ph.D., on August 10, 2009, before the above-cited Office Action issued, Examiner Tang indicated that the features of dependent Claims 5 and 12 would be allowable if they were rewritten in independent form. Therefore, if dependent Claim 5 is incorporated into independent Claim 1, and dependent Claim 12 is incorporated into independent Claim 9, and independent Claim 15 would be amended to introduce features that are analogous to the features of dependent Claim 5, the application would be in condition for allowance.

Applicants acknowledge with appreciation the indication of allowable subject matter. In response, Applicants’ independent Claims 1 and 9 are amended to recite all the features of

Applicants' allowable, dependent Claims 5 and 12, respectively. Moreover, independent Claim 15 is amended to recite all the features of allowable, dependent Claim 1, but directed to a computer readable storage medium. No new matter has been added.

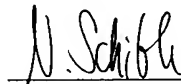
The present amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116, which after Final Rejection permits entry of amendments canceling rejected claims or complying with requirements of form set forth in a previous Office Action. As the present amendment merely amends independent Claims 1, 9 and 15 to recite the features of allowable dependent Claims 5, and 12, respectively, as suggested in the previous Office Action and during the August 10, 2009 telephone discussion with Examiner Tang, it is respectfully requested that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-2, 4, 6, 9-10, and 15-16 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Eckhard H. Kuesters  
Attorney of Record  
Registration No. 24,913

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Nikolaus P. Schibli, Ph.D.  
Registered Patent Agent  
Registration No. 56,994